

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)

v.)

Criminal No. 05-10016-RCL

**MICHAEL McDONALD,
Defendant)**

NOTICE OF APPEAL

Notice is hereby given that the United States of America (the prosecution in the above-captioned case) hereby appeals to the United States Court of Appeals for the First Circuit from the district court's (Lindsay, J.) October 28, 2005 Order on Defendant, Michael McDonald's Motion to Suppress and from its January 19, 2006 Memorandum Order on Government's Motion to Reconsider, which granted the defendant's motion to suppress and denied the government's motion for reconsideration.

Respectfully submitted,

MICHAEL K. LOUCKS
Acting United States Attorney

By: /s/Donald Cabell
DONALD CABELL
Assistant U.S. Attorney

Certificate of Service

I, Donald Cabell, hereby certify that I have caused a copy of this notice to be served by first-class mail on.

John M. Moscardelli, Esq.
Peters & Moscardelli
Eight Winter Street, Suite 12
Boston, MA 02108

on February 1, 2006.

/s/ Donald Cabell

Donald Cabell

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

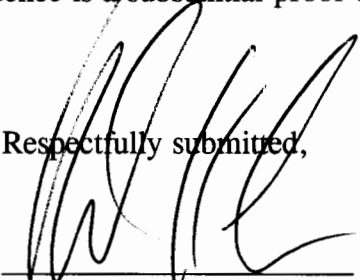
Criminal No. 05-10016-RCL

MICHAEL McDONALD,
Defendant)

CERTIFICATION

The government has filed a notice of appeal of the district court's (Lindsay, J.) October 28, 2005 Order on Defendant, Michael McDonald's Motion to Suppress and from its January 19, 2006 Memorandum Order on Government's Motion to Reconsider, which granted the defendant's motion to suppress and denied the government's motion for reconsideration. Pursuant to 18 U.S.C. §3731, the United States Attorney hereby certifies to the district court that the appeal is not taken for the purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding.

Respectfully submitted,


MICHAEL R. LOUCKS
Acting United States Attorney

Certificate of Service

I, Donald L. Cabell, AUSA, hereby certify that on ~~January~~ ^{February} 1, 2006, I caused a copy of this notice to be served by first-class mail on.

John M. Moscardelli, Esq.
Peters & Moscardelli
Eight Winter Street, Suite 12
Boston, MA 02108


Donald Cabell